



accompanying "mark-up version").

1. An isolated nucleic acid molecule comprising a nucleotide sequence consisting of SEQ ID NO. <sup>3</sup> wherein the sequence encodes a functional NRIF3 nuclear hormone receptor co-activator <sup>polypeptide</sup> wherein the NRIF3 binds in a ligand dependent manner to thyroid hormone receptor (TR) and retinoid X receptor (RXR), but does not interact with retinoic acid receptor (RAR), vitamin D receptor (VDR), progesterone receptor (PR), glucocorticoid receptor (GR), and estrogen receptor (ER) in a yeast two hybrid assay system or *in vitro*, or both, which polypeptide contains an LxxIL (SEQ ID NO:2) module in its C-terminal domain.

✓ Please cancel claim 10 without prejudice or disclaimer.

#### REMARKS

Reconsideration of this application is respectfully requested.

Entry of this amendment is respectfully requested as applicants submit that it will put the claims in a condition for allowance or in a better form for subsequent appeal.

In the Office Action, claims 2-9 were said to be in a condition for allowance, claim 1 was rejected under 35 U.S.C. §112, second paragraph as being indefinite and claim 10 was rejected under 35 U.S.C. §112, first paragraph. By the present amendment claim 1 has been amended and claim 10 has been cancelled without prejudice or disclaimer. Claims 1-10 are pending in this application and are at issue.

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